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Vaughn S. Iverson  
Appl. No. 09/731,522*Remarks*

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-44 are pending in the application, of which claims 1, 23, and 28 are independent. By the foregoing Amendment, claims 1, 5, 7, 23, 28, and 38 are sought to be amended. Claims 39-44 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

*Rejection under 35 U.S.C. § 102*

The Examiner, on page 3 of the Office Action, states that claims 1-6, 8-9, 23-25, and 27-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. US 2002/0003584 to Kossin. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 1, 23, and 28, the Examiner states that Kossin teaches every element of these claims. Applicant respectfully disagrees.

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Contrary to the present invention, Kossin does not teach or suggest every element of Applicants' invention. For example, referring to independent claim 1, Kossin does not teach or suggest at least the following claimed elements:

a digital camera having an image-receiving lens and an image sensor,  
*the image sensor coupled to and in communication with a processor*, the  
image sensor designed to detect an image from the lens; and  
a sealed case surrounding the digital camera, *the case varying in  
thickness in areas in which reinforcement is needed*, the case constructed  
and arranged for providing a water resistant enclosure for the camera and  
adapted for transmission of the image from the image sensor to a display  
located external to the case without opening the case.

Unlike the present invention, Kossin does not appear to teach or suggest "the image sensor coupled to and in communication with a processor" and "the case varying in thickness in areas in which reinforcement is needed." In fact, Kossin is silent as to whether a processor is contained within the sealed case. Kossin is also silent on the thickness of the sealed case.

With respect to independent claim 23, Kossin does not teach or suggest at least the following claimed element: "a sealed case surrounding the digital camera, *the sealed case varying in thickness in areas in which reinforcement is needed*." As indicated above, Kossin is silent on the thickness of the sealed case.

With respect to independent claim 28, Kossin does not teach or suggest at least the following claimed element: "activating internal camera controls with a user interface, wherein the user interface comprises physically sealed buttons that control a focus system, a shutter, a zoom lens, and f-stop settings and allows access to advanced on-screen controls that are displayed on an internal display." In fact, Kossin is silent on f-

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stop settings and Kossin does not teach or suggest "access to advanced on-screen controls that are displayed on an internal display."

For at least these reasons, Applicant respectfully submits that Kossin does not include each and every element of Applicant's claimed invention recited in independent claims 1, 23, and 28. Therefore, independent claims 1, 23, and 28, and the claims that depend therefrom (claims 2-22 and new claims 39-44, 24-27, and 29-38, respectively), are patentable over Kossin. Reconsideration and withdrawal of this rejection is respectfully requested.

***Rejection under 35 U.S.C. § 103***

The Examiner, on page 5 of the Office Action, states that claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0003584 to Kossin. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 7 depends from independent claim 1, which is patentable over Kossin for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 7.

The Examiner, on page 5 of the Office Action, states that claims 10-22, 26, and 30-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0003584 to Kossin in view of U.S. Patent No. 5,512,941 to Takahashi *et al* (hereinafter "Takahashi"). Applicant respectfully traverses this rejection.

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Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claims 10-22 depend from independent claim 1, which is patentable over Kossin for at least the reasons stated above. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 10-22.

Claim 26 depends from independent claim 23, which is patentable over Kossin for at least the reasons stated above. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 26.

Claims 30-38 depend from independent claim 28, which is patentable over Kossin for at least the reasons stated above. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 30-38.

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*Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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